IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11683 of 2005

Between:

1.Smt. Kamireddy Prabhu Chowdary W/o Kasi Visveswara Rao

Occu: Housewife R/o. Sriramavaram,

Denduluru Mandal, West Godavari District

2. Vuyuri Sriramakrishna Rao S/o Ramdas

Occu: Agriculturist R/o. Sriramavaram,

Denduluru Mandal, West Godavari District

..... PETITIONERS

AND

1. The Revenue Divisional Officer cum Land Acquisition Officer,

Eluru, West Godavari District

2. The Mandal Revenue Officer, Denduluru Mandal,

West Godavari District

3. The Mandal Development Officer, Denduluru,

Denduluru Mandal, West Godavari District,

4. The Panchayat Secretary, Sriramavaram Gram Panchayat,

Denduluru Mandal, West Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proceeding with the formation of the road along with Puntha situated in su5rvey No.323 and 327 affecting our lands in Survey Nos.212, 219, 220 and in Survey Nos.226/2, 227/3, 222/3A, 224, 222/2, 212, 219 and 220 situated at Sriramavaram Village, Denduluru Mandal, West Godavari District, as arbitrary, illegal and in violation of principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.RAMA RAO GHANTA

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in proceeding with the formation of the road along Puntha situated in Sy.Nos.323 and 327 of Sriramavaram Village, Denduluru Mandal, West Godavari District, on the ground that the same is affecting their lands.

It is stated that the 1st petitioner is owner of agricultural wet land admeasuring Ac.5-67 cents in Sy.Nos.212, 219 and 220 and the 2nd petitioner is owner of wet agricultural admeasuring Ac.5-78 cents in Sy.Nos.226/2, 227/3, 222/3A, 224, 222/2 situated at Sriramavaram Village, Denduluru Mandal, West Godavari District. There is a small Puntha on the eastern side of their lands covered by survey numbers mentioned above. The only grievance of the petitioners is that the respondents are proposing to lay a road on the side of the said Puntha affecting their lands, in spite of their objections, without initiating land acquisition proceedings.

It is always open for the respondents to lay a road for public purpose by following due process of law viz., by initiating land acquisition proceedings or by way of private negotiations. Accordingly, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioners' lands without following due process of law, as indicated above.

The writ petition is accordingly disposed of at the admission stage. No costs.

_____

Note: 24-5-2005

C.C in two days

B/o

asp

To:

1. The Revenue Divisional Officer cum Land Acquisition Officer,

Eluru, West Godavari District

2. The Mandal Revenue Officer, Denduluru Mandal,

West Godavari District

3. The Mandal Development Officer, Denduluru,

Denduluru Mandal, West Godavari District,

4. The Panchayat Secretary, Sriramavaram Gram Panchayat,

Denduluru Mandal, West Godavari District

5. Two C.Cs. to the G.P. for Revenue, High Court of A.P., High Court Buildings, Hyderabad (OUT)

6.Two C.D. copies

7. Two C.Cs. to the G.P. for Land Acquisition, High Court of A.P. High Court Buildings, Hyderabad (OUT)

THE HON'BLE SRI JUSTICE V.ESWARAIAH

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

WRIT PETITION NO : 11683 of 2005

24-5-2005